REMARKS

Claims 14-15, 37-39 and 44 are pending. Claims 37-38 are rejected under 35 U.S.C. §101. Claims 14-15, 37-39 and 44 are rejected under 35 U.S.C. §103(a). Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request that the Examiner reconsider and withdraw these rejections.

I. REJECTIONS UNDER 35 U.S.C. §101:

The Examiner has rejected claims 37 and 38 under 35 U.S.C. §101 for failing to include the aspect of a computer readable in the preamble of claim 37. Office Action (7/3/2006), page 2. Applicants amended the preamble of claim 37, as indicated above, by including the phrase "computer readable medium." Accordingly, Applicants respectfully request the Examiner to withdraw the rejections to claims 37 and 38 under 35 U.S.C. §101.

Applicants note claim 37 was not amended to overcome prior art but to clarify the claimed subject matter. Hence, no prosecution history estoppel arises from the amendment to claim 37. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendment made to claim 37 was not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such an amendment. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

II. REJECTIONS UNDER 35 U.S.C. §103(a):

The Examiner has rejected claims 14-15, 37-39 and 44 under 35 U.S.C. §103(a) as being unpatentable over Yassin et al. (U.S. Publication No. 2004/0205549) (hereinafter "Yassin"). Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request that the Examiner reconsider and withdraw these rejections.

A. Yassin does not teach or suggest the following claim limitations.

Applicants respectfully assert that Yassin does not teach "reading an example file representing said user preferred style into an input buffer" as recited in claim 14

and similarly in claim 37. The Examiner cites paragraphs [0013-0014] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 3. Applicants respectfully traverse and assert that Yassin instead teaches that the system of the present invention includes a controller capable of executing a set of programmable instructions for retrieving at least one grammar restriction style sheet corresponding to at least one subset of a set of XML grammar rules, where the at least one grammar restriction style sheet includes transformation rules for transforming an XML document to at least one XML document structured according to the at least one subset of the set of XML grammar rules. [0013]. There is no language in the cited passages that teaches reading an example file. Neither is there any language in the cited passages that teaches reading an example file representing a user preferred style. Instead, Yassin teaches retrieving a grammar restriction style sheet corresponding to at least one subset of a set of XML grammar rules. Neither is there any language in the cited passages that teaches reading an example file representing a user preferred style into an input buffer. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 14 and 37, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach "searching said input buffer for a pattern that matches that of an expected section" as recited in claim 14 and similarly in claim 37. The Examiner cites paragraphs [0013-0014] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 3. Applicants respectfully traverse and assert that Yassin instead teaches a transformation engine for using the transformation rules of each retrieved grammar restriction style sheet for transforming data elements of the XML document to data elements structured according to the at least one subset of the set of XML grammar rules to transform the XML document to the at least one XML document structured according to the at least one subset of the set of XML grammar rules. [0013]. There is no language in the cited passages that teaches searching an input buffer. Neither is there any language in the cited passages that teaches searching an input buffer for a pattern that matches that of an expected section. Therefore, the Examiner has not

presented a *prima facie* case of obviousness in rejecting claims 14 and 37, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach "if said pattern is found, from the position of said pattern, defining a first bound by searching backwards in said buffer until a previous expected search pattern is found" as recited in claim 14 and similarly in claim 37. The Examiner cites paragraphs [0023-0028] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 3. Applicants respectfully traverse and assert that Yassin instead teaches that the XSLT engine 50 transforms or translates document DOC1 into one or more documents DOC2, DOC3 using transformation rules provided by the GRSSs, such that DOC2, DOC3 are structured according to same or different subsets of XML grammar rules. [0023]. There is no language in the cited passages that teaches that if a pattern is found, from the position of the pattern, defining a first bound by searching backwards in the buffer. Neither is there any language in the cited passages teaches that if a pattern is found, from the position of the pattern, defining a first bound by searching backwards in the buffer until a previous expected search pattern is found. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 14 and 37, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach "from the position of said pattern, defining a second bound by searching forwards in said buffer until a next expected search pattern is found" as recited in claim 14 and similarly in claim 37. The Examiner cites paragraphs [0023-0028] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 3. Applicants respectfully traverse. As stated above, Yassin instead teaches that the XSLT engine 50 transforms or translates document DOC1 into one or more documents DOC2, DOC3 using transformation rules provided by the GRSSs, such that DOC2, DOC3 are structured according to same or different subsets of XML grammar rules. [0023]. There is no language in the cited passages that teaches from the position of the pattern, defining a second bound by searching forwards in the buffer. Neither is there any language in

the cited passages that teaches from the position of the pattern, defining a second bound by searching forwards in the buffer until a next expected search pattern is found. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 14 and 37, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach "copying a string of characters contained within said input buffer between said first bound and said second bound to a template buffer" as recited in claim 14 and similarly in claim 37. The Examiner cites paragraphs [0023-0028] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 4. Applicants respectfully traverse. As stated above, Yassin instead teaches that the XSLT engine 50 transforms or translates document DOC1 into one or more documents DOC2, DOC3 using transformation rules provided by the GRSSs, such that DOC2, DOC3 are structured according to same or different subsets of XML grammar rules. [0023]. There is no language in the cited passages that teaches copying a string of characters. Neither is there any language in the cited passages that teaches copying a string of characters contained within the input buffer. Neither is there any language in the cited passages that teaches copying a string of characters contained within the input buffer between the first bound and the second bound. Neither is there any language in the cited passages that teaches copying a string of characters contained within the input buffer between the first bound and the second bound to a template buffer. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 14 and 37, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach "parsing said template buffer to isolate expected keywords, and names and subsections" as recited in claim 14 and similarly in claim 37. The Examiner cites paragraphs [0036-0040] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 4. Applicants respectfully traverse and assert that Yassin instead teaches that the parser 52 receives a document DOC1 and an XSL style sheet structured in XML from the

XML grammar restriction module 40 and parses the document and XSL style sheet according to the XML grammar rule set. [0038]. Hence, Yassin teaches parsing a document and XSL sheet according to the XML grammar rule set. This is not the same as parsing a template buffer which contains a string of characters contained within the input buffer between the first bound and the second bound. Neither is there any language in the cited passages that teaches parsing a template buffer to isolate expected keywords and names and subsections. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 14 and 37, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach "replacing content-specific subsections with macro names" as recited in claim 14 and similarly in claim 37. The Examiner cites paragraphs [0032-0038] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 4. Applicants respectfully traverse and assert that Yassin instead teaches that a look-up table or some other mapping scheme as known in the art is used by the XML grammar restrictor module 40 to correlate the intended destination devices 60 of the received XML document DOC1 with their respective subset of the XML grammar rule set. [0036]. There is no language in the cited passages that teaches replacing content-specific subsections with macro names. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 14 and 37, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach "if said pattern is not found, creating a default template buffer for said expected section" as recited in claim 14 and similarly in claim 37. The Examiner cites paragraphs [0034-0039] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 4. Applicants respectfully traverse and assert that Yassin instead teaches that if the DOC1 is being routed to a destination device which uses the XML grammar rule set, i.e., not a subset of the XML grammar rule set, then the DOC1 is provided to the XSLT engine 50 with the style sheet originally accompanying DOC1, either by the

XML grammar restrictor module 40 or a module external to the XML grammar restrictor module 40. [0035]. There is no language in the cited passages that teaches creating a default template buffer. Neither is there any language in the cited passages that teaches creating a default template buffer for the expected section. Neither is there any language in the cited passages that teaches creating a default template buffer for the expected section if the pattern is not found. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 14 and 37, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Claims 15, 39 and 44 each recite combinations of features of independent claim 14 and hence claim 15, 39 and 44 are patentable over Yassin for at least the above-stated reasons that claim 14 is patentable over Yassin. Claim 38 recites combinations of features of independent claim 37 and hence claim 38 is patentable over Yassin for at least the above-stated reasons that claim 37 is patentable over Yassin.

Claims 15, 38-39 and 44 recite additional features, which, in combination with the features of the claims upon which they depend, are patentable over Yassin.

For example, Yassin does not teach or suggest "getting a said template buffer for each section to be generated in said output document" as recited in claim 15 and similarly in claim 38. The Examiner cites paragraphs [0041-0046] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 4. Applicants respectfully traverse and assert that Yassin instead teaches that each GRSS includes a set of instructions for transforming data structured in one format to another format, i.e., for implementing a transformation procedure 400 to transform data structured according to a full grammar rule set A to data structured according to a subset of the full grammar rule set A. [0041]. There is no language in the cited passages that teaches getting a template buffer. Neither is there any language in the cited passages that teaches getting a template buffer for each section to be generated. Neither is there any language in the cited passages that teaches getting a template buffer for each section to be generated in the output document. Therefore, the

Examiner has not presented a *prima facie* case of obviousness in rejecting claims 15 and 38, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach or suggest "getting user content for all sections of said output document" as recited in claim 15 and similarly in claim 38. The Examiner cites paragraphs [0038-0041] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 4. Applicants respectfully traverse and assert that Yassin instead teaches that the XSLT engine 50 includes a parser 52 and a transformation module 54 where the parser 52 receives a document DOC1 and an XSL style sheet structured in XML from the XML grammar restriction module 40 and parses the document and XML style sheet according to the XML grammar rule set. [0038]. There is no language in the cited passages that teaches getting user content. Neither is there any language in the cited passages that teaches getting user content for all sections of the output document. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 15 and 38, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach or suggest "creating an output buffer for storing said output document" as recited in claim 15 and similarly in claim 38. The Examiner cites paragraphs [0025-0030] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 4. Applicants respectfully traverse and assert that Yassin instead teaches that after the incoming XML document DOC1 is transformed to XML documents DOC2, DOC3, the transformed documents DOC2, DOC3 are then transmitted to respective devices 60 according to the routing information RI associated with DOC1. [0025]. There is no language in the cited passages that teaches creating an output buffer. Neither is there any language in the cited passages that teaches creating an output buffer for storing an output document. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 15 and 38, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach or suggest "for each section of said output document, putting a corresponding template buffer into a temporary output buffer" as recited in claim 15 and similarly in claim 38. The Examiner cites paragraphs [0023-0030] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 4. Applicants respectfully traverse and assert that Yassin instead teaches that after the incoming XML document DOC1 is transformed to XML documents DOC2, DOC3, the transformed documents DOC2, DOC3 are then transmitted to respective devices 60 according to the routing information RI associated with DOC1. [0025]. There is no language in the cited passages that teaches putting a corresponding template buffer into a temporary output buffer. Neither is there any language in the cited passages that teaches putting a corresponding template buffer into a temporary output buffer for each section of the output document. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 15 and 38, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach or suggest "replacing macro names in said temporary output buffer with user content information" as recited in claim 15 and similarly in claim 38. The Examiner cites paragraphs [0023-0030] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), pages 4-5. Applicants respectfully traverse. As stated above, Yassin instead teaches that after the incoming XML document DOC1 is transformed to XML documents DOC2, DOC3, the transformed documents DOC2, DOC3 are then transmitted to respective devices 60 according to the routing information RI associated with DOC1. [0025]. There is no language in the cited passages that teaches replacing macro names. Neither is there any language in the cited passages that teaches replacing macro names in the temporary output buffer. Neither is there any language in the cited passages that teaches replacing macro names in the temporary output buffer with user content information. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 15 and 38, since

the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach or suggest "if this section is expected to be repeated and the user desires alignment, using corresponding template offsets to modify said temporary output buffer for aligning keywords, names, and other sub-sections" as recited in claim 15 and similarly in claim 38. The Examiner cites paragraphs [0023-0030] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), pages 4-5. Applicants respectfully traverse. As stated above, Yassin instead teaches that after the incoming XML document DOC1 is transformed to XML documents DOC2, DOC3, the transformed documents DOC2, DOC3 are then transmitted to respective devices 60 according to the routing information RI associated with DOC1. [0025]. There is no language in the cited passages that teaches using corresponding template offsets to modify a temporary output buffer. Neither is there any language in the cited passages that teaches using corresponding template offsets to modify a temporary output buffer for aligning keywords, names, and other sub-sections. Neither is there any language in the cited passages that teaches using corresponding template offsets to modify a temporary output buffer for aligning keywords, names, and other sub-sections if this section is expected to be repeated and the user desires alignment. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 15 and 38, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach or suggest "inserting the content of said temporary output buffer into said output buffer" as recited in claim 15 and similarly in claim 38. The Examiner cites the Abstract and paragraphs [0013-0023] of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 5. Applicants respectfully traverse and assert that Yassin instead teaches that the XSLT engine 50 transforms or translates document DOC1 into one or more documents DOC2, DOC3 using transformation rules provided by the GRSSs, such that DOC2, DOC3 are structured according to same or different subsets of XML grammar rules. [0023]. There is no language in the cited passages that teaches

inserting the content of a temporary output buffer into an output buffer. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 15 and 38, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Yassin does not teach or suggest "writing said output buffer to a file" as recited in claim 15 and similarly in claim 38. The Examiner cites the Abstract of Yassin as teaching the above-cited claim limitation. Office Action (7/3/2006), page 5. Applicants respectfully traverse and assert that Yassin instead teaches that the system includes a controller capable of executing a set of programmable instructions for retrieving at least one grammar restriction style sheet corresponding to at least one subset of a set of XML grammar rules, where the at least one grammar restriction style sheet includes transformation rules for transforming an XML document to at least one XML document structured according to the at least one subset of the set of XML grammar rules. Abstract. There is no language in the cited passage that teaches writing an output buffer to a file. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 15 and 38, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

As a result of the foregoing, Applicants respectfully assert that there are numerous claim limitations not taught or suggested in Yassin, and thus the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 14-15, 37-39 and 44. M.P.E.P. §2143.

2. Examiner must provide evidence that either the missing claim limitation of claims 14 and 37 is well known in the art or taught in a prior art reference.

The Examiner admits that Yassin does not teach "if said expected section is a section that can be repeated in a document, saving in said template buffer the line offsets of keywords, names and other elements" as recited in claim 14 and similarly in claim 37. Office Action (7/3/2006), page 4. The Examiner though does not cite to any prior art reference as teaching the above-cited claim limitation. Neither does the

Examiner assert that this limitation is well known in the art. In order to establish a *prima facie* case of obviousness, the Examiner must provide a reference that teaches or suggests all of the claim limitations. M.P.E.P. §2143. Since the Examiner has not provided such a reference, the Examiner has not established a *prima facie* case of obviousness in rejecting claims 14 and 37. M.P.E.P. §2143. Further, if the Examiner is asserting that the above-cited claim limitation is well known in the art, Applicants respectfully traverse and request the Examiner to provide a reference that teaches the above-cited claim limitation pursuant to M.P.E.P. §2144.03. As a result of the above, Applicants respectfully assert that the Examiner has not established a *prima facie* case of obviousness in rejecting claims 14 and 37. M.P.E.P. §2143.

3. Examiner's motivation is insufficient for modifying Yassin to include the missing claim limitation of claims 14 and 37.

Most if not all inventions arise from a combination of old elements. *See In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998). Obviousness is determined from the vantage point of a hypothetical person having ordinary skill in the art to which the patent pertains. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998). Therefore, an Examiner may often find every element of a claimed invention in the prior art. *Id.* However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. *See Id.* In order to establish a *prima facie* case of obviousness, the Examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998). That is, the Examiner must provide some suggestion or motivation, either in the references themselves, the knowledge of one of ordinary skill in the art, or, in some case, the nature of the problem to be solved, to modify the reference or to combine reference teachings. *See In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). Whether the Examiner relies on an express or an implicit showing, the Examiner must provide particular findings related thereto. *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000).

The Examiner admits that Yassin does not teach "if said expected section is a section that can be repeated in a document, saving in said template buffer the line offsets of keywords, names and other elements" as recited in claim 14 and similarly in claim 37. Office Action (7/3/2006), page 4. The Examiner's motivation for modifying Yassin to include the above-cited claim limitation is "to improve further transformation of the output document using the same grammar rules, thereby improving the processing time of the XSLT engine." Office Action (7/3/2006), page 4. The Examiner's motivation is insufficient to establish a *prima facie* case of obviousness in rejecting claims 14-15, 37-39 and 44.

The Examiner has not provided a source for his motivation for modifying Yassin to include the above-cited claim limitation. The Examiner simply states "to improve further transformation of the output document using the same grammar rules, thereby improving the processing time of the XSLT engine" as motivation for modifying Yassin to include the above-cited claim limitation. The motivation to modify Yassin must come from one of three possible sources: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art. *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457-48 (Fed. Cir. 1998). Applicants respectfully request the Examiner to point out which of these sources is the source of the Examiner's motivation[1]. The Examiner

[1] Applicants feel it is very important for the Examiner to point out the source of the Examiner's motivation because it appears to Applicants that the Examiner is relying upon his own subjective opinion. The reason why the Federal Circuit (*In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2000)) has required the Examiner to provide objective evidence is because it may be easy to conclude that it would be obvious to combine references using hindsight reasoning even though there is no motivation or suggestion to do so. One can usually find a reason to combine references or make modifications to the main reference. If that were all it took, then all inventions would be obvious and not patentable. For example, assuming that a wheelbarrow had never been developed and a patentee had claimed a wheelbarrow, if the main reference taught a cart with a shallow box body, and the secondary reference taught two wheels, then the Examiner could simply assert, using hindsight reasoning without providing objective evidence, that the motivation for combining the two references is so that the cart could be moved from place to place. Hence, the patentee could not obtain a patent on the wheelbarrow (even though one has never been developed) based on the Examiner's rationale for combining the references. Yet the Examiner has not provided any evidence that a person of ordinary skill in the art would have combined

has not provided any evidence that his motivation comes from any of these sources. Instead, the Examiner is relying upon his own subjective opinion which is insufficient to support a *prima facie* case of obviousness. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness for rejecting claims 14-15, 37-39 and 44. *Id.*

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the references to make such a product. In hindsight, everything is obvious. It seems that a question that should be asked is why the invention (in this example a wheelbarrow) was not already developed. If it is so obvious, then it would seem it already would have been developed.

III. CONCLUSION:

As a result of the foregoing, it is asserted by Applicants that claims 14-15, 37-39 and 44 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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